

Appl. No. 09/863,486
Amtd. dated August 29, 2005
Reply to final Office action of June 27, 2005

REMARKS/ARGUMENTS

Applicants have received the final Office action dated June 27, 2005, in which the Examiner: 1) rejected claims 21-27 under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter; 2) rejected claims 21 and 22 under 35 U.S.C. § 102(e) as allegedly anticipated by McCoy et al. (U.S. Pub. No. 2001/0037311); 3) rejected claims 1 and 17 under 35 U.S.C. § 103(a) as allegedly unpatentable over Kirch (U.S. Pat. No. 6,324,161) and further in view of Carothers et al. (U.S. Pub. No. 2002/0069117); 4) rejected claim 23 under 35 U.S.C. § 103(a) as allegedly unpatentable over McCoy and further in view of Rosen (U.S. Pat. No. 6,122,625); 5) rejected claim 24 under 35 U.S.C. § 103(a) as allegedly unpatentable over McCoy and further in view of Greene et al. (U.S. Pub. No. 2002/0147611); and 6) objected to claims 2-7, 18-20 and 25-28 as being dependent upon a rejected base claim, but otherwise allowable.

With this Response, Applicants have amended claims 1, 17 and 21 and canceled claims 5, 8-16, 19 and 25. Based on the amendments and arguments contained herein, Applicants respectfully request reconsideration and allowance of the pending claims.

I. CANCELED CLAIMS

Claims 8-16 were previously withdrawn due to a restriction requirement. Merely to expedite prosecution and allowance of claims 1-4, 6-7, 17-18, 20-24 and 26-28, Applicants cancel claims 8-16 without prejudice to later asserting those claims, such as in a continuation application.

II. § 101 REJECTIONS

In rejecting claims 21-27 under 35 U.S.C. § 101, the Examiner argues that "a system of software agents is...neither concrete nor tangibly embodied." Applicants have amended claim 21 to recite "a plurality of computer-based enterprises having software agents..." Applicants submit that amended claim 21 meets the requirements of 35 U.S.C. § 101.

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III. § 102 AND § 103 REJECTIONS

Amended claim 1 incorporates the limitations of canceled claim 5. The Examiner previously indicated that claim 5 was allowable. For at least these reasons, Applicants submit that claim 1 and all claims that depend from claim 1 are allowable.

Amended claim 17 incorporates the limitations of canceled claim 19. The Examiner previously indicated that claim 19 was allowable. For at least these reasons, Applicants submit that claim 17 and all claims that depend from claim 17 are allowable.

Amended claim 21 incorporates the limitations of canceled claim 25. The Examiner previously indicated that claim 25 was allowable. For at least these reasons, Applicants submit that claim 21 and all claims that depend from claim 21 are allowable.

IV. CONCLUSIONS

Applicants may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the cited art which have yet to be raised, but which may be raised in the future.

Applicants respectfully request reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents

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accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,



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